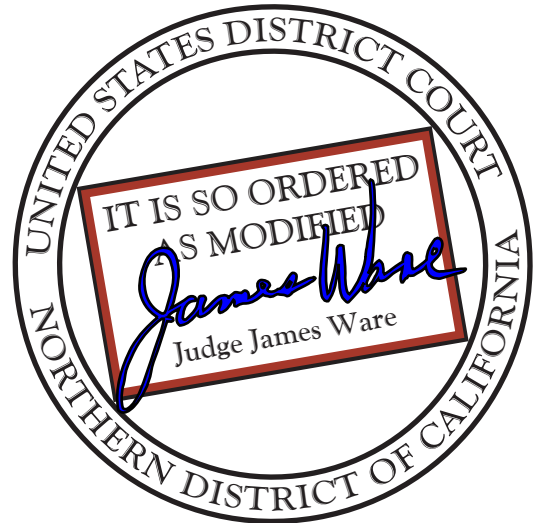


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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE DIVISION)

Symantec Corporation,  
  
Plaintiff,  
  
v.  
  
Luis Chang, and Does 1 – 10, inclusive,  
  
Defendants.

Case No. C08-2431 JW

~~PROPOSED~~ ORDER GRANTING  
PLAINTIFFS' APPLICATION FOR  
LEAVE TO TAKE IMMEDIATE  
DISCOVERY PRIOR TO RULE 26(F)  
CONFERENCE AND REQUEST FOR  
ENLARGEMENT OF TIME WITHIN  
WHICH TO EFFECT SERVICE OF  
PROCESS

**ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE**

The Court has read and considered all papers filed in connection with Plaintiff's *Ex Parte* Application for Leave to Take Immediate Discovery Prior to Rule 26(f) Conference and Request for Enlargement of Time Within Which to Effect Service of Process ("the Application").

IT IS HEREBY ORDERED that the Application is granted.

IT IS FURTHER ORDERED that Plaintiff may serve immediate discovery on PayPal, Inc. ("PayPal"), eBay, Inc. ("eBay"), and Yahoo! Inc. ("Yahoo") by serving Fed. R. Civ. P. 45 subpoenas, which seek information sufficient to conclusively identify and locate Luis Chang ("Defendant") doing business as "expdepot" and "shopsmartwithbetterchoice," whose email address is chang\_luis@yahoo.com, including names, addresses, telephone numbers, identity of the Defendant's financial institution(s), and other email address(es) for the Defendant.

1 If PayPal, eBay, or Yahoo wish to file a motion to quash the subpoenas or to serve  
2 objections, they must do so before the return date of the subpoenas, which shall be no less than  
3 twenty-one (21) days from the date of service of the subpoenas. Among other things, PayPal, eBay  
4 or Yahoo may use this time to notify the subscribers in question.

5 PayPal, eBay, and Yahoo shall preserve any subpoenaed information or materials pending  
6 compliance with the subpoenas or resolution of any timely objection or motion to quash.  
7

8 IT IS FURTHER ORDERED that Plaintiff must serve a copy of this order on PayPal, eBay,  
9 and Yahoo when it serves the subpoenas.


10 IT IS FURTHER ORDERED that any information disclosed to Plaintiff in response to the  
11 Fed. R. Civ. P. 45 subpoenas may be used by Plaintiff solely for the purpose of protecting  
12 Plaintiff's rights under the Copyright Act.

13 IT IS FURTHER ORDERED THAT Plaintiff shall have a sixty (60) day enlargement of  
14 time within which to serve Defendant with Summons and Complaint, and in no event later than  
15 **November 10, 2008.**

16 In light of this Order, the Court continues the Case Management Conference presently set  
17 for October 6, 2008 to **December 15, 2008 at 10 a.m.** On or before **December 5, 2008**, the parties  
18 shall meet and confer and file a Joint Case Management Statement. The Statement shall include,  
19 among other things, a good faith discovery plan with a proposed date for the close of all discovery.

20 Plaintiff shall serve this Order along with the Summons and Complaint on Defendant or  
21 before **November 10, 2008.**

22  
23 Dated: August 28, 2008

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge